

Notice of Allowability

Application No.

10/531,906

Applicant(s)

SCHLINGLOFF ET AL.

Examiner

Gregory R. Del Cotto

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Prelim. Amend. filed 4/18/05.
2. ☒ The allowed claim(s) is/are 1, 2, 4-21, 23 renumbered 1-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/18/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 6/30/06
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

GREGORY DELCOTTO
PRIMARY EXAMINER



EXAMINER'S AMENDMENT

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1, 2, 4-21, 23 and 24, drawn to a method of catalyzing an oxidation reaction.

Group II, claim(s) 25-31, drawn to a metal complex compound containing a ligand.

Group III, claim(s) 32-34, drawn to a detergent, cleaning, disinfecting or bleaching composition.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claim 25, at least, is anticipated by or obvious over Lafferty et al (The Preparation and Properties of certain pyridylpyrimidines and bidazines as Potential chelating agents for Iron(II)). Consequently, the special technical feature which links claims 1, 2, 4-21, and 23-34, a metal complex compound containing a ligand, does not provide a contribution over the prior art, so unity of invention is lacking.

During a telephone conversation with Kevin Mansfield on May 23, 2006, a provisional election was made with traverse to prosecute the invention of Group I, claims 1, 2, 4-21, 23, and 24. Affirmation of this election must be made by applicant in replying to this Office action. Claims 25-34 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

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or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tyler Stevenson on June 2, 2006.

The application has been amended as follows:

The Claims:

In claim 1, line 2, after "substrate" insert – selected from the group consisting of textiles, hard surfaces, waste-printed paper, and pulp used in paper making, --.

In claim 1, line 2, after "oxidizing agent" insert – selected from the group consisting of a peroxide and a peroxide forming substance, --.

In claim 17, line 2, after "for" insert – said --.

In claim 21, line 1, delete "17" and insert – 20 --.

Cancel claims 24-34.

The Abstract:

On a separate sheet of paper, please enter the following Abstract:

-- Abstract of the Disclosure

Use of metal complex compounds of formula (1) and/or (1') $[LnMemXp]zYq$ (1), $[L'MemXp]zYq$ (1'), wherein all substituents are as defined in the claims, as catalysts for oxidation reactions, and also novel metal complex compounds and novel ligands. --

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Note that, the Examiner's Amendment is sufficient to place the instant claims in condition for allowance. Note that, Applicant agreed to cancel the non-elected claims, 25-34.

Of the references of record, the most pertinent is WO02/088289. '289 teaches the use of metal complex compounds as catalysts for oxidation reactions. See Abstract. However, '289 does not teach metal catalyst complexes containing the specific ligands as recited by the instant claims.

None of the references of record, alone or in combination, teach or suggest a method of catalyzing an oxidation reaction which comprises contacting an oxidizable substrate with an oxidizing agent and specific metal catalyst complex containing a ligand as recited by the instant claims. Accordingly, since the prior art fails to teach or suggest such a method as recited by the instant claims, the instant claims are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571)

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272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gregory R. Del Cotto
Primary Examiner
Art Unit 1751

GRD
June 5, 2006